## THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

CIVIL CASE NO. 1:10cv285

JOHN R. CARUSO,	)
Plaintiff,	) )
vs.	ORDER OF REMAND
MICHAEL J. ASTRUE,	)
Commissioner of Social Security,	)
Defendant.	)
	)

THIS MATTER is before the Court on the Defendant's Consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 21]. As noted, the Plaintiff consents to the motion.

Sentence Four of 42 U.S.C. §405(g) provides, in pertinent part, that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The parties here have moved for reversal of the decision of the Defendant and for remand for further administrative proceedings.

Specifically, the parties ask that the Commissioner consider the opinion evidence offered by Leslie Fein, M.D., M.P.H., dated March 11, 2010. The

Court finds remand is appropriate. <u>Melkonyan v. Sullivan</u>, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

## ORDER

IT IS, THEREFORE, ORDERED that the Defendant's Consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 21] is hereby **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is hereby **REMANDED**.

IT IS FURTHER ORDERED that upon remand, the Commissioner shall consider the opinion evidence offered by Leslie Fein, M.D., M.P.H., dated March 11,2010.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: November 30, 2011

Martin Reidinger
United States District Judge